1938-39 **File No.** 263/36

A.I.A.S.P.W. **DEPARTMENT**
& **BRANCH**

Subject:—Members of Provincial Legislature
Supply of information to—

V

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File No. 263/36-E

Ftd. Seett. Slip. 24 A

G.R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 2631/36

P. W. DEPT.

E. BRANCH.

References :—

Main file goes to Maharastra.

Date.	To whom sent.	Notes and instructions.

Supply of information to Members of the Provincial Legislature.

GOVERNMENT OF BOMBAY.

Political and Services Department.

Circular Memorandum No. S.25/2/11-R.

Bombay Castle , 3rd May 1938.

In supersession of all previous orders, Government are pleased to direct that all Heads of Departments of the Secretariat should supply to Members of the Bombay Legislative Assembly and the Bombay Legislative Council so a far as is reasonably possible such available information touching the welfare of the Public, as may be required by them for the due performance of their duties in the Legislature.

By order of the Governor of Bombay

Sd. G. WILES,

Chief Secretary to the Government of Bombay, Political and Services Deptt.

To

The Secretary to the Governor,

The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

The Registrar, His Majesty's High Court of Judicature, Appellate Side, Bombay,

The Accountant General, Bombay,

The Secretary, Bombay-Sind Public Service Commission,

All other Heads of offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

* By letter.

No. of 1938.-
Copy forwarded for information and guidance to -

CIRCULAR.

Political and Service Department,

18, Queen's Gardens, Poona, 5th July 1938.

Please refer to Circular Memorandum No. S. 25/2/11-R of 3rd May.

It has been suggested that discretion to supply or withhold information sought for by M.L.As. and M.L.CS. should be restricted to the Head of the Department in the District concerned: e.g- in the Revenue Department the Collector. Will this give rise to any difficulty in any Department?

Sd/-

Chief Secretary to the Govt. of Bombay,
Political and Services Department.

To

All Secretaries to Government.

2631/36/15430

Public Works Department.

(E.B.).

Submitted.

2. In view of the orders issued in G.C.M. (P.&.S.D.) No.S.25/2/11-R, dated the 3-5-38, all S.Es., Ex.Engrs., the El. Engr. to Govt. and the C.P.H.E. have been authorised to supply to Members of the the L.A.&.the L.C. such available information touching the welfare of the public as may be required by them and is reasonably possible. The suggestion now is that the discretion to supply or withhold information sought for by M.L.As. and M.L.Cs. should be restricted to the Heads of Deptt. i.e. the S.Es. the El.Engr. to Govt. and the C.P.H.E. to Govt. so far as this Deptt. is concerned.

3. The only difficulty anticipated by the new procedure is that every time the Ex.Engr. concerned will have to approach his S.E. for advice. This will increase correspondence and cause some dely in the supply of the required information. Except as above, no other difficulty is anticipated.

4. It is for orders whether the Chief Secy. may be informed in terms of para. 3 above.

(Thro' A.B., WoB., I.B. &.M.B.)

Id/- 13/7/38.

The .....

The Chief Secy's circular mention the "Head of the Deptt. in the District concerned: I don't think the works "Head of the Deptt" are used in their restricted technical sense. The Ex.Engr. will still be able to supply the necessary information if the above reading is correct.

Id/-
14/7/38.

As written in the letter from the C.S. it is clearly 'the Head of the Deptt' who in this Deptt. should be S.E.

This restriction will certainly cause a certain amount of delay and correspondence.

Id/-
15/7.

In spite of the fact that there may be some delay and correspondence I consider that the description should rest with the Heads of Deptts. mentioned in para 2. If it is left to E.Es. to decide there will be too many different views. It is suggested that all M.L.As. and M.L.CS. should be told to apply to Heads of Departments only.

Id/-
18/7.

E.B.

Resubmitted with the necy. draft - for approval.

No. 2631/36.E.

Public Works Department.

Bombay Castle, 27th July 1938.

Memorandum.

Subject:- Supply of information to the Members of the Legislative Council and Members of the Legislative Assembly.

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With reference to his circular, dated the 5th July 1938, the Chief Secretary to Government is informed, with compliments, that the only difficulty anticipated by the new procedure suggested in the circular, under reply is that there may be slight delay whilst the Divisional Officer (i.e.) the Executive Engineer) approaches the Superintending Engineer concerned, who is the head of the Department, in the District for advice. This will somewhat increase correspondence. In spite of the fact that there may be some delay and increase in correspondence it is considered that the discretion to supply the requisite information to the Members of the Legislative Council and Legislative Assembly should rest with the Head of the Department i.e. the Superintending Engineer in this Department. If it is left to the Executive Engineers to decide, there willbe too many different views. It is therefore suggested that Members of the Legislative assembly and members of the legislative Council should be asked to apply to the Heads of Departments only.

By order of the Governor of Bombay,

Sd/-

Deputy Secretay to the Government of Bombay, Public Works Department.

D.A.- Nil.

Supply of information to Members of the Provincial Legislature.

GOVERNMENT OF BOMBAY,
Political and Services Department,
Circular Memorandum No. S.25/2/11-R,
Bombay Castle, 19th December 1938.

With reference to Government Circular Memorandum, Political and Services Department, No.S.25/2/11-R, dated the 3rd May 1938, Government are pleased to direct that the power to supply to Members of the Bombay Legislative Assembly and the Bombay Legislative Council, so far as is reasonable possible, such available information touching the welfare of the Public, as may be required by them for the due performance of their duties in the Legislature, should be restricted only to Heads of Departments.

2. Confidential information should not be supplied under any circumstances. In case of doubt, a reference should be made to Government in the department concerned for orders.

By order of the Governor of Bombay,

Sd. G.Wiles.

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
* The Prothonotary and Senior Master,
High Court, Bombay,
* The Registrar, High Court, Appellate
Side, Bombay,
The Accountant General, Bombay,
The Secretary, Bombay-Sind Public Service Commission,
All other Heads of Offices under the several
Departments of the Secretariat,
All Departments of the Secretariat.

* By letter.

Datta Deshmukh, B.E.(Civil), M.L.A.
Jawlekadlag, Tal: Sangamner, Dist: A'nagar.

Jawlekadlag. 25-11-1946.

To

The Executive Engineer,
Nasik Division, Nasik.

Sir,

I received several complaints from the village Rahata about irrigation. On personal investigation I found that th the following persons are done injustice. I therefore wish that the cases may please be reconsidered and the answers be made known to me as soon as possible.

Case No. I.

Complaints (1) Mr. Dada Bapuji minor guardian Madhav Yeshwant.

(2) Mr. Madhav Yeshwant Sadafal.

Ref: Your R.B. 17333/28th October 1946.

Firstly it is wrong to hold that there is an excess crop of one acre and thirty five Gunthas. Secondly the measurements were taken behind the back of the applicants. Thirdly the applicants were never informed that their crop was found excess before an abrupt order that their blocks have been cancelled on that ground.

Thus the order of the cancellation of the blocks is quite baseless, improper and unjust. I therefore request you to cancel the order of cancellation.

Case No. II.

Complainants. Same as in case No.I.

Ref. Your R.B.68/2 of 1945. The applicants are the owners of S.Nos. 203, 205/1, 205/2, 210 and 211. All these lands were leased to Rao Bahadur N.S. Boravke and there was block area of 39 acres sanctioned for sugar cane four acres for lucern and seven acres and twenty Gunthas for plantains. The tenancy expired last year and therefore according to the irrigation rules the owners were entitled to all the above sanctions.

It .....

It is true that while claiming the above areas the applicants made a mistake of mentioning only the cane area instead of total block area. But this was due to sheer ingorance as it was brought to your notice subsequently. This mistake of mentioning only cane area instead of block area is of common occarance in cases of illiterate Irrigators but it has been the --- practise everywhere and I can show in your Division too, to correct the mistake if it brought to the Officers' notice. So it was quite in your hands to rectify these illitarate and ignorant Irrigators' mistakes. The Government's general policy is alwasys to help the smaller Irrigatorss as againt the bigger ones. In this particular case these poor fellows were put to loss in favour of Rao Bahadur N.S. Boravke - the king of Irrigators.

I therefore request you to reconsider this case and sanction the block area as mentioned in the application made to you by these people.

Case No. III.

Complainant. Hari Dada Upadhe - of Sakori, Tal. Kopergaon on Water Course No. 32.

He has applied to your office on 28-11-44, 23-2-45 6-7-45 and to Sub-Division Officer on 28-11-44 in connection with blocks is S.No. 52/2 on Water Course No. 32. He is not yet replied by any of these offices.

Please reply to him as soon as possible and send a copy of it to me.

Case No. IV.

Complainant. Bhau Appaji Shinde of Sakori, Taluka Kopergaon, Rahata Sub-Division.

Ref. Your office No. R.B. 8319/1945 and R.B. 2015/1946. I fail to understand while you sanction him a block area of ten acres and twenty Gunthas according to your letter No. R.B. 8319 of 1945 why you should cancel the same by your R.B.2015/46.

I.....

I would like in this case to know the grounds on which you have cancelled this block even when the same was sanctioned by you before.

Case No. V.

Complainant. 1 Changdev Rabhaji Bote. 2 Damu Namdev Sadafal 3 Dada Ganpat Bote.

Ref:- Your letter No. R .B. 5015 of 1946. The above persons are the owners of S.Nos. 81/1, 79/1 and 70/1 on Distributory No. 14 Rahata Sub-Division. You filed the applications of these persons on the ground that the lands are not in the possession of these persons. I find that the lands are xxx in xxxxxxxxxxxx their possessionsince before the allotmentsof blocks. I now fail to know how you say that the lands are not in their possession. Please reconsider the case and inform me accordingly.

Case No. VI.

Complainant: Namdev Appa of Rahata.

Ref: Your letter No. R.B. 7333/46. Namdev Appa was never informed about the excess crop either at the time of Nimtana or after that. The Nimtana was made behind the back of the applicant. This is a Nidva crop. Last time it was charged at xxxxx single rate but he was never informed to remove the crop. To serve the notice of cancellation of block without any previous intimation is unjust.

So please reconsider this case and withdraw the notice.

Yours sincerely,

Sd/-

2631/36/415

I.B.

Submitted.

2. With ref. to the Secy. (I)'s note dt. the 3-1-47 it may be stated that the S.E., D.I.C. has already submitted for orders a copy of Mr. Datta Deshmukh M.L.A's letter dt. the 25-11-46 addressed to the Ex.Engr., Nasik (Irrign.) Dn., and the Ex.Engr.'s comments thereon.

3. From the correspondence within it appears that Mr. Deshmukh has specified ~~five~~ six cases of alleged injustice done to the irrigators by this Deptt. and desired the Ex. Engr. to reconsider them and to let him know the result as soon as possible.

4. From the remarks of the Ex.Engr. on the six cases under ref. it would be seen that the action taken by the Ex.Engr. is inorder. Particularly the case IV reg: Mr. Bhau Appaji Shinde has been fully gone into and considered by Govt. Govt. decided that the action of the Ex.Engr. in disallowing the addl. block of 10 acres and 20 gunthas in question was correct and Mr. Shinde's application for the restoration of that block was rejected vide G.Ls. Nos. S.95/21590-I, dt. the 26-6-46 and S.95/26385-I, dt. the 19-7-46.

5. The Ex.Engr. has asked for orders as to what procedure may be adopted when a M.L.A. or M.L.C. addresses the local officers directly asking them to reconsider decisions taken by them as hasbeen done in the present case. Briefly stated the position is that any man dissatisfied with the decision of a particular officer can apply to his superior officer progressively and eventually to Govt., the final authority. The local officers of the rank of the Heads of Deptts. (the S.Es. of Circles in the case of the P.W.D.), are also authorised to supply to Members of the Bombay Legislative Assembly and the Bombay Legislative Council,

so .....

so as is reasonably possible, such available information touching the welfare of the public, as may be required by them for the due performance of their duties in the Legislature - subject to the proviso that confidential information shall not be supplied in any circumstances - vide G.C.M., P.&.S.D. No. S.25/1/11-R, dt. the 19-12-38. This would seem to serve the purpose in view; viz., the consideration of the grievances of the cultivators and the supply of reasonably available information to the M.L.E's and the M.L.As. by the local officers.

6. In the present case the parties concerned, i.e. the aggrieved irrigators have not submitted applications for the redress of their grievances. On the other hand Mr. Deshmukh, M.L.A. has instead of asking for information directed the Ex.Engr. to reconsider these cases and to let him know the results thereof as soon as possible, This would not be covered by the orders contained in the P.&.S.D. Circular quoted above. It is for consideration what instructions reg: the course to be followed in such cases may be issued to the local officers. Perhaps the S.Es. of Circles who are already authorised to furnish information to the M.L.As. and the M.L.Cs. may be instructed that in such cases as the present the specific points refd. to the Ex.Engr. by the M.L.A. or the M.L.C. should be considered by them and their decisions in the matter may be communicated to the M.L.A. or the M.L.C. as the case may be. If he is, not satisfied with the S.Es. reply, he will, if necy., approach Govt. in the matter when it will be further considered.

7. While issuing orders on the point raised on the above paras the S.E. will be asked to make a spl. inquiry about A at. p. 37 ante and report the result to Govt. for orders.

Id/-
7/1/47.

Thro' D.E.(I).

The cases referred to by Mr. Deshmukh appear to have been disposed of correctly by the X.N.

2. As regards the question raised by the X.N.

and .....

and the S.E. I think that a request from an M.L.A., such as the one from Mr. Deshmukh, for reconsideration of decisions already taken should be regarded as an appeal againt the orders of the officer who has passed them and as such the question should be referred to the next higher authority and the M.L.A. informed accordingly.

3. I agree with the X.N. that Mr. Deshmukh should not have described the orders passed by the local officers as "quite baseless, improper and unjust" without hearing both sides, especially when the X.N. is always willing to discuss the grievances of the irrigators with the local M.L.A.s.

Id/-
8/1/47.

The Ex. Engr. Naik Irrigator Division has already reported in detail on the cases vide his letter pages 27-29 ante, and this action is in order. Mr. Deshmukh may be informed accordingly.

Regarding the method of disposal of such letters from M.L.As. or M.L.C's. I agree with the Dy. Secy. (I&R) in this note pages 42-43 ante,. It should I think lead to more rapid disposal if the gentleman concerned ~~contracted letters~~ either the Ex. Engr. or the S.E. before submitting such written complaints.

Id/-
9/1/47.

Id/-
20/1/47.

No. 2631/36-I.

P.W.D.
B.C., 28th Jany. 1947.

To

Datta Deshmukh B.E.(Civil) M.L.A.,
Jawlekadlag, Taluka Sangamner,
Dist. Ahmednagar.

Sub:- Alleged grievances of certain irrigator's of the Village Rahata.

Dear Sir,

With refc. to yourx letter dt. the 11-12-46 addressed to the H.M.P.W.D., Govt. of Bombay, I am directed to inform you that Govt. has enquired into the rise cases of alleged unjustice to certain irrigators of the Rahata Village specified in your letter dt. the 25-11-46 addressed to the Ex. Engr. Nasik Irrign. Dn., and come to the conclusion that the action taken by the Ex.Engr. in all the cases under refce. is in order.

Yours faithfully,

Id/-
25/1/47.

Copy forwarded to the S.E., D.I.C.,
Ex .Engr. Nasik Irrign. Dn.,

with ref. to his endt. No. 8843, dt. the 21-12-46
13-12-46 addressed to the S.E., D.I.C. for information.

2. The S.E. is further informed that a request from Ex.Engr. an M.L.A. or M.L.C. such as one from Mr. Datta Deshmukh M.L.A. in the present case for reconsideration of decisions already taken should be regarded as an appeal against the orders of the Offdcer who has passed them and as such the question should be refd. on to the next higher authority as the M.L.A. or M.L.C. be informed accordingly.

3. A copy of Mr. Datta Deshmukh's letter dt. the 11-12-46 is enclosed here with and the Ex. Engr. is requested to make a special enquiry into the allegation made at A therin and to report the result to Govt. Thro' the S.E., D.I.C.

Copies together with a copy of Mr. Datta Deshmukh's M.L.A's letter, dt. the 25-11-46, addressed to the Ex.Engr. Nasik Irrign. Dn., forwarded to the C.E,P.W.D. and to the S.Es. of other circles, with refec. to G.C. P.&.S.D. Nos. S.25/2/11-R, dt. the 3-5-38 and 19-12-38 and Press Note issued under G.E., P.&.S.D. no. 2084/36-B, dt. the 8-5-46 for information and guidance.

Id/-
25/1/47.

Issue and then circulate to Bchs. for information.

Circulated to -

the W.B.
the Con.B.
the E.B.(1).
the B.B.
the A.B.
the El-B(I)
the El.B(II)
the M.B.
the P.W.R.B.
the C.B. (to return this case to I.B. please).

Id/-
31/1/47.

Petitions and Memorials:

Acknowledgement of -.

Government of Bombay.
Public Works Department.
Circular Memorandum No. 2631/36.
Bombay Castle, 14th March 1947.

GOVERNMENT CIRCULAR MEMORANDUM.

The attention of all officers concerned is invited to

*1. No. 2034/34, dated the 9th Oct. 1937.	* marginally noted Govern-
2. No. 1129/34, dated the 14th Feb.1938.	ment Circulars
3. No. 2034/34, dated the 25th June 1946.	(Political and Services Deptt.

and they are instructed to follow strictly the orders contained therin. They should acknowledge every letter they received from the members of the public without delay.

By order of the Governor of Bombay,

Sd/- G.N. Pandit,
Deputy Secretary to Government.

To

The Chief Engineer, Public Works Department,
The Public Health Engineer to Government,
The Special Officer (Electric Grid).
The Superintending Engineers of Circles.
The Executive Engineers of Divisions.

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No. of 1947.

Copy forwarded for information and guidance to .